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18 Baking Companies, Inc.

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28 Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO-OAKLAND DIVISION**

20 DAVID M. CATHCART, JAMES H.  
21 WHITEHEAD, ROBERT W. DECKER,  
22 DALE BALDISSERI, individually, and  
23 on behalf of all others similarly situated,

24 Plaintiffs,

25 v.

26 SARA LEE CORPORATION, SARA  
27 LEE BAKERY GROUP,  
28 EARTHGRAINS BAKING  
COMPANIES, INC. (formerly sued as  
DOE 1) and Does 2 through 20,

Defendants.

Case No. C 09-5748 MMC

**JOINT STIPULATION RE  
RESCHEDULING OF  
PRELIMINARY APPROVAL  
HEARING**

**AND ORDER THEREON**

1 Plaintiffs David M. Cathcart, James H. Whitehead, Robert W. Decker, and  
 2 Dale Baldissseri (“Plaintiffs”) and Defendants Sara Lee Corporation, Sara Lee  
 3 Bakery Group, and Earthgrains Baking Companies, Inc. (“Defendants”)  
 4 (collectively, the “Parties”), by and through their respective counsel, respectfully  
 5 submit this Stipulation asking the Court for a one-week of adjournment of the  
 6 hearing on Plaintiffs’ forthcoming Motion for Preliminary Approval of the Parties’  
 7 proposed class and collective action settlement, to the extent that the Court believes  
 8 a hearing is necessary for what will be an unopposed Motion.

9 On May 31, 2012, the Parties reached a settlement of the class and collective  
 10 claims asserted by Plaintiffs in this action and executed a Memorandum of  
 11 Understanding memorializing the settlement and anticipate executing a formal  
 12 Stipulation of Settlement next week. A hearing on Plaintiffs’ Motion for  
 13 Preliminary Approval of that Stipulation of Settlement and the Notice that would be  
 14 sent to the putative class and collective action members, which will be filed on June  
 15 22, 2012, is scheduled for July 27, 2012. *See* Dkt. No. 118. However, Defendants’  
 16 counsel has conflicting obligations for another matter on that date. Accordingly, to  
 17 the extent that the Court anticipates a hearing on what will be an unopposed Motion  
 18 for Preliminary Approval, the Parties respectfully request that the Court reschedule  
 19 the Preliminary Approval Hearing for August 3, 2012.

20 In compliance with General Order No. 45 (X), as filing party, Defendants  
 21 attest that all signatories below concur in the filing of this document.

22  
 23 DATED: June 11, 2012

MORGAN, LEWIS & BOCKIUS LLP

24 BY: /s/ Justin S. Brooks

Justin S. Brooks

25 Attorneys for Defendants

26  
 27 DATED: June 11, 2012

SPIRO MOORE LLP

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BY: /s/ Jennifer L. Connor  
Jennifer L. Connor

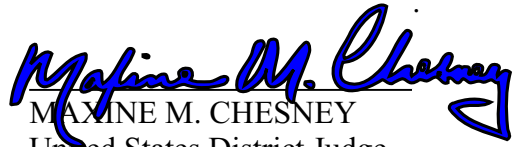
Attorneys for Plaintiffs

**~~PROPOSED~~ ORDER**

The Court hereby removes the hearing on Plaintiffs' Motion for Preliminary Approval of the proposed class and collective action settlement from the July 27, 2012 motions calendar. The Preliminary Approval Hearing shall be rescheduled for August 3, 2012 at 9:00 a.m., and may be adjourned by further Order of the Court upon the Court's review of the Motion papers.

SO ORDERED.

Dated: June 12, 2012

  
MAXINE M. CHESNEY  
United States District Judge